

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GUARDIAN INDUSTRIES CORP.,

Plaintiff,

v.

DELL, INC.;  
GATEWAY, INC.;  
HEWLETT-PACKARD COMPANY;  
ACER INC.;  
ACER AMERICA CORPORATION;  
AOC INTERNATIONAL;  
ENVISION PERIPHERALS, INC.;  
TPV TECHNOLOGY, LTD.;  
TPV INTERNATIONAL (USA), INC.;  
AU OPTRONICS CORPORATION;  
AU OPTRONICS CORPORATION AMERICA a/k/a  
AU OPTRONICS AMERICA, INC.;  
BENQ CORPORATION;  
BENQ AMERICA CORPORATION;  
CHUNGHWA PICTURE TUBES, LTD. a/k/a  
CHUNGHWA PICTURE TUBES COMPANY;  
TATUNG COMPANY;  
TATUNG COMPANY OF AMERICA, INC.;  
BOE HYDIS TECHNOLOGY COMPANY, LTD.;  
BOE HYDIS AMERICA INC.;  
CHI MEI OPTOELECTRONICS;  
COMPAL ELECTRONICS, INC.;  
DELTA ELECTRONICS, INC.;  
DELTA PRODUCTS CORPORATION;  
DELTA ELECTRONICS (THAILAND) PUBLIC COMPANY, LTD.;  
HANNSTAR DISPLAY CORPORATION;  
JEAN CO., LTD.;  
LITE-ON TECHNOLOGY CORPORATION;  
LITE-ON, INC. a/k/a LITEON TRADING USA, INC.;  
MAG TECHNOLOGY COMPANY, LTD.;  
MAG TECHNOLOGY USA, INC.;  
PROVIEW INTERNATIONAL HOLDINGS, LTD.;  
PROVIEW TECHNOLOGY, INC.;  
PROVIEW ELECTRONICS COMPANY, LTD.; and  
QUANTA DISPLAY, INC.

Defendants.

C.A. No.: 05-27-SLR

Jury Trial Demanded

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AFFIDAVIT PURSUANT TO D. DEL. LR 4.1 (b)

STATE OF DELAWARE :  
 : SS:  
COUNTY OF NEW CASTLE :

**BE IT REMEMBERED** that on this 11<sup>th</sup> day of April, A.D. 2005, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Richard K. Herrmann, attorney for the Plaintiff, who being sworn according to law did depose and say as follows:

**DEFENDANT CHUNGHWA PICTURE TUBES, LTD. a/k/a CHUNGHWA PICTURE TUBES COMPANY**

1. That to the best of his knowledge, the Defendant Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company is a nonresident of the State of Delaware whose name and address is as follows:

Chunghwa Picture Tubes, Ltd.  
a/k/a Chunghwa Picture Tubes Company  
No. 1127, Ho-ping Road  
Tanan, Pahte, Taoyuan  
Taiwan R.O.C.

2. That on January 19, 2005, the Complaint in the above-captioned action was filed; that on January 24, 2005 the Clerk issued a Summons to serve the Secretary of State pursuant to 10 Del. C. § 3104.

3. That on January 25, 2005, the Return of Service was filed, a copy of which is attached as Exhibit A.

4. That on February 3, 2005, the said Richard K. Herrmann, Esquire, caused a copy of the Notice, attached hereto as Exhibit B, to be mailed by Registered Mail to the following defendant: Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company.

5. That on March 28, 2005, he, Richard K. Herrmann, Esquire, received from the postal authority the domestic return receipt attached hereto as Exhibit C.

6. That the said receipt has the same registered number, to-wit: RB 420 560 186 US, as the receipt received at the time of the mailing of said notice, attached hereto as Exhibit D.

Dated: April 11, 2005



Richard K. Herrmann #405  
MORRIS, JAMES, HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
(302) 888-6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

Attorneys for Plaintiff  
GUARDIAN INDUSTRIES CORP.

SWORN TO AND SUBSCRIBED before me the day and year aforesaid:

  
Notary Public



**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> day of April, 2005, I electronically filed the foregoing document, **AFFIDAVIT PURSUANT TO D.DEL. L.R. 4.1(b)**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Richard L. Horwitz, Esq.  
David E. Moore, Esq.  
Potter Anderson & Corroon  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801

Jeffrey S. Goddess, Esq.  
Rosenthal Monhait Gross & Goddess, P.A.  
919 Market Street, Suite 1401  
Wilmington, DE 19801

Gerard M. O'Rourke, Esq.  
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1007 North Orange Street, P.O. Box 2207  
Wilmington, Delaware 19899-2207

Josy W. Ingersoll, Esq.  
Young, Conaway, Stargatt & Taylor LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19801

Additionally, I hereby certify that on the 11<sup>th</sup> day of April, 2005, the foregoing document was served via email on the following non-registered participants:

Teresa M. Corbin, Esq.  
Howrey Simon Arnold & White LLP  
525 Market Street, Suite 3600  
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San Anselmo, CA 94960  
[rcweems@comcast.net](mailto:rcweems@comcast.net)



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Richard K. Herrmann (#405)  
MORRIS, JAMES, HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
302.888.6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

*Counsel for Plaintiff Guardian Industries Corp.*

# **EXHIBIT A**

AO 440 (Rev. 8/01) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

United States District Court District of Delaware

GUARDIAN INDUSTRIES CORP.

## SUMMONS IN A CIVIL CASE

V.

DELL, INC.; et al.

CASE NUMBER: 05-27

TO: (Name and address of Defendant)  
Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company  
c/o Delaware Secretary of State  
401 Federal Street, Suite 3  
Dover, DE 19901

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2005 JAN 25 PM 4:21

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Richard K. Herrmann  
Mary B. Matterer  
BLANK ROME LLP  
1201 N. Market Street, Suite 800  
Wilmington, DE 19801  
(302) 425-6400

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLFO

CLERK

1-24-05

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>January 24, 2005</u>	
NAME OF SERVER (PRINT) <u>Edward Jones</u>	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were _____		
<input type="checkbox"/> Returned _____ _____		
<input checked="" type="checkbox"/> Other (specify): <u>served on Chunghua Pictures Tubes, Ltd At Chunghua Picture Tubes Company</u> <u>c/o Secretary of State of Delaware located At 401 Federal Street, Dover DE 19901</u> <u>Service was accepted by Mary Jo Gehrmann At 5:00 pm</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>1/24/05</u> <div style="text-align: center; font-size: small;">Date</div>	<u>Edward J Jones I</u> <div style="text-align: center; font-size: small;">Signature of Server</div>	
<u>3200 Sherman St Ste 109 Dover DE 19904</u> <div style="text-align: center; font-size: small;">Address of Server</div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



# **EXHIBIT B**



Phone: (302) 425-6434  
Fax: (302) 425-6464  
Email: herrmann@blankrome.com

February 3, 2005

**VIA REGISTERED MAIL NO. RB 420 560 186 US**  
**RETURN RECEIPT REQUESTED**

Chunghwa Picture Tubes, Ltd.  
a/k/a Chunghwa Picture Tubes Company  
No. 1127, Ho-ping Road  
Tanan, Pahte, Taoyuan  
Taiwan, R.O.C.

Re: *Guardian Industries Corp. v. Dell, Inc. et al.*  
D.Del., C.A. No. 05-27 SLR

To whom it may concern:

Please be advised that Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company has been served with Process (Summons) and Complaint in Delaware pursuant to 10 Del. C. § 3104. Service of the original Summons and Complaint in the above referenced case have been served upon the Delaware Secretary of State as agent for acceptance of legal process. Under 10 Del. C. § 3104, such service is as effectual to all intents and purposes as if it had been made upon Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company within Delaware.

Enclosed please find a copy of the Summons and Return of Service and the Complaint. Thank you for your attention to this matter.

Yours,

A handwritten signature in black ink, appearing to read "RKH", written over a horizontal line.

Richard K. Herrmann

RKH:sch  
Enclosure

Chase Manhattan Centre 1201 Market Street Suite 800 Wilmington, DE 19801  
www.BlankRome.com

# **EXHIBIT C**

<b>Item Description</b> (Nature de l'envoi) <input checked="" type="checkbox"/> Registered Article (Envoi recommandé) <input type="checkbox"/> Letter (Lettre) <input type="checkbox"/> Matter (Matière) <input type="checkbox"/> Other (Autre) <input type="checkbox"/> Recorded Delivery (Envoi à livraison attestée) <input type="checkbox"/> Express Mail International (Express Mail national)		<b>Printed</b> (Imprimé)		<b>Recorded Delivery</b> (Enregistrement)		<b>Express</b> (Express)	
<input type="checkbox"/> Insured Parcel (Colis avec valeur déclarée) Insured Value (Valeur déclarée)		<input type="checkbox"/> Insured Value (Valeur déclarée)		Article Number RB 420 Sbo 186 US		Date of Posting (Date de dépôt)	
Completed by the office of origin. (A remplir par le bureau d'origine.)							
Addressee Name or Firm (Nom ou raison sociale) a/k/a Chungwa Picture Tubes, Ltd.							
Street and No. (Rue et No.) No. 4127, Ho-ping Road							
Place and Country (Localité et pays) Tainan, Tainan, Taiwan, R.O.C.							
Completed at destination. (A compléter à destination.)							
This receipt must be signed by: (1) the addressee, or (2) a person authorized to sign under the regulations of the country of destination. (This signed form will be returned to the office of origin.) (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination. Ce document signé sera renvoyé au bureau d'origine.)							
<input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)							
Signature of Addressee (Signature du destinataire)				Office of Destination Employee Signature (Signature de l'agent du bureau de destination)			
Date				Date			
Registered, Insured, Recorded Delivery, Express Mail							

PS Form 2865, February 1997  
 UNITED STATES OF AMERICA  
 Avis de réception  
 CN07 (Old C5)

Administration des Postes des États-Unis d'Amérique  
 RECEIVED  
 MAR 28 2005  
 RICHARD K. HERMANN Avion

Return by the quickest route (air or surface mail), a découvert and postage free.  
 The sender completes and indicates the address for the return of this receipt.  
 (A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du présent avis.)  
 Name or Firm (Nom ou raison sociale) Richard K. Hermann, Esq.  
 Blank Return (Lettre) 1201 Market Street  
 Suite 800  
 Street and Number (Rue et no.) Wilmington, DE 19801  
 City, State, and ZIP + 4 (Localité et code postal)

A renvoyer par la voie la plus rapide (aérienne ou de surface), à découvert et en franchise de port.

# **EXHIBIT D**

Blank

Registered No. RP 430 80 186 US  
RB42056018605

Date Stamp 0501  
02/03/2006

To Be Completed By Post Office	Reg. Fee \$	\$7.50	
	Handling Charge	\$0.00	Return Receipt \$1.75
	Postage \$	\$17.35	Restricted Delivery \$0.00
	Received by <u>[Signature]</u>		

Customer Must Declare Full Value \$ \$0.00

☐ With Postal Insurance  
☐ Without Postal Insurance

Domestic Insurance up to \$25,000 is included in the fee. International Insurance is marked (See Reverse).

USPS

To Be Completed By Customer (Please Print)  
 All Entries Must Be in Ballpoint or Typed

FROM  
Richard K. Herrmann  
Blank Rome LLP  
1201 Market Street, Ste 800  
Wilmington, DE 19801

TO  
Chunghwa Picture Tubes, Ltd.  
a/k/a Chunghwa Picture Tubes Co  
No. 1127, Ho-ping Road  
Tainan, Tainan, Taiwan, ROC

PS Form 3806, June 2002 **Receipt for Registered Mail** Copy 1 - Customer  
 (See Information on Reverse)

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®